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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 GWENDOLYN LEE JACKSON,

8 Plaintiff,

9 v.

10 NANCY A. BERRYHILL, Acting
11 Commissioner of Social Security,

12 Defendant.

Case No. C17-5719-RAJ

**ORDER DENYING APPLICATION
FOR COURT-APPOINTED
COUNSEL**

13 Plaintiff, Gwendolyn Lee Jackson, proceeds pro se and in forma pauperis in this civil
14 action seeking review of the Commissioner's denial of Social Security benefits. Dkts. 1, 3, 4.
15 Plaintiff now moves for court-appointed counsel to assist with his appeal. Dkt. 11. For the
16 reasons discussed below, this application is DENIED.

17 There is no absolute right to counsel in a civil action such as this one. *See Hedges v.*
18 *Resolution Trust Corp.*, 32 F.3d 1360, 1363 (9th Cir. 1994). Under 28 U.S.C. 1915(e)(1), the
19 Court may appoint counsel for civil litigants "unable to afford counsel", but may do so only in
20 "exceptional circumstances." *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (quoting
21 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); 28 U.S.C. 1915(e)(1). In assessing
22 whether "exceptional circumstances" exist, the Court will consider "the likelihood of success on
23 the merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the

1 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).
2 Neither of these factors is dispositive and both must be viewed together before reaching a
3 decision[.]” *Wilborn*, 789 F.2d at 1331.

4 At this early stage, plaintiff presents insufficient evidence to establish a likelihood of
5 success on the merits. Dkt. 4, 11. Moreover, plaintiff does not allege or explain in her motion
6 how or why the complexity of the issues in this case would prevent her from articulating her
7 claims pro se. *Id.* Plaintiff, therefore, has not presented exceptional circumstances that would
8 justify appointing counsel at this time.

9 For the foregoing reasons, plaintiff’s application for court-appointed counsel (Dkt. 11) is
10 DENIED without prejudice.

11 DATED this 20th day of December, 2017.

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15 The Honorable Richard A. Jones
16 United States District Judge
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